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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: John Robert Norton-Baker

Priority Date: 15 August 2003

Examiner:

7 DEC 2006

Serial No. 10/524,677 (PCT/AU03/0104)

Art Unit:

Title: Interactive Property Tour

File: PRO101

Legal Staff
International Division

I certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.

December 4, 2006

Date:

John E. Vandegriff, Reg. No. 22,127

Renewed Petition Under 37 CFR 1.137(b)

Hon. Commissioner of Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Decision of Petition mailed 15 November 2006.

The petition was not accepted because, the declaration was missing page 1. A new Declaration, including pages 1 and 2, is enclosed. It is noted that the inventor added a second inventor. If this is not acceptable, please disregard the second inventor, and a new declaration, adding the second inventor can be filed at a later date, if possible. This second inventor was not on the original PCT application. Since the inventor is in Australia, and since there is a time limit is on the submission of this Renewed Petition, it is requested that the declaration be accepted with or without the second inventor.

No additional petition fee is required with this submission.

It is respectfully requested that the application be accepted and proceed to examination.

A copy of the Decision of Petition is enclosed.

Respectfully submitted,

John E. Vandegriff

Reg. 22,127

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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15 NOV 2006

In re Application of :
BAKER :
Application No.: 10/524,677 :
PCT No.: PCT/AU03/01043 : DECISION ON PETITION
Int. Filing Date: 15 August 2003 :
Priority Date: 15 August 2002 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: PRO101 :
For: INTERACTIVE PROPERTY TOUR :

This decision is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR § 1.137(b)" filed 03 November 2006.

BACKGROUND

On 20 October 2006, applicant was mailed a communication and notification of abandonment.

On 03 November 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items 2-3. Item 4 does not apply.

As detailed in the communication mailed 20 October 2006, the present national stage application became abandoned for failure to timely respond to the Form PCT/DO/EO/905 mailed 30 August 2005 requiring an executed oath or declaration of the inventor. Applicant has presently filed a declaration executed by the sole inventor. However, the declaration is missing page one which contains the necessary language under 37 CFR 1.63 and 37 CFR 1.497(a). As such, it is not possible to grant applicant's petition to revive at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.137(b) is
DISMISSED.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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